

1 AN ACT concerning aging.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do not
16 require the holding of a closed meeting to discuss a subject
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees of the public body or legal counsel for the
23 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against
2 legal counsel for the public body to determine its
3 validity.

4 (2) Collective negotiating matters between the public
5 body and its employees or their representatives, or
6 deliberations concerning salary schedules for one or more
7 classes of employees.

8 (3) The selection of a person to fill a public office,
9 as defined in this Act, including a vacancy in a public
10 office, when the public body is given power to appoint
11 under law or ordinance, or the discipline, performance or
12 removal of the occupant of a public office, when the public
13 body is given power to remove the occupant under law or
14 ordinance.

15 (4) Evidence or testimony presented in open hearing, or
16 in closed hearing where specifically authorized by law, to
17 a quasi-adjudicative body, as defined in this Act, provided
18 that the body prepares and makes available for public
19 inspection a written decision setting forth its
20 determinative reasoning.

21 (5) The purchase or lease of real property for the use
22 of the public body, including meetings held for the purpose
23 of discussing whether a particular parcel should be
24 acquired.

25 (6) The setting of a price for sale or lease of
26 property owned by the public body.

1 (7) The sale or purchase of securities, investments, or
2 investment contracts. This exception shall not apply to the
3 investment of assets or income of funds deposited into the
4 Illinois Prepaid Tuition Trust Fund.

5 (8) Security procedures and the use of personnel and
6 equipment to respond to an actual, a threatened, or a
7 reasonably potential danger to the safety of employees,
8 students, staff, the public, or public property.

9 (9) Student disciplinary cases.

10 (10) The placement of individual students in special
11 education programs and other matters relating to
12 individual students.

13 (11) Litigation, when an action against, affecting or
14 on behalf of the particular public body has been filed and
15 is pending before a court or administrative tribunal, or
16 when the public body finds that an action is probable or
17 imminent, in which case the basis for the finding shall be
18 recorded and entered into the minutes of the closed
19 meeting.

20 (12) The establishment of reserves or settlement of
21 claims as provided in the Local Governmental and
22 Governmental Employees Tort Immunity Act, if otherwise the
23 disposition of a claim or potential claim might be
24 prejudiced, or the review or discussion of claims, loss or
25 risk management information, records, data, advice or
26 communications from or with respect to any insurer of the

1 public body or any intergovernmental risk management
2 association or self insurance pool of which the public body
3 is a member.

4 (13) Conciliation of complaints of discrimination in
5 the sale or rental of housing, when closed meetings are
6 authorized by the law or ordinance prescribing fair housing
7 practices and creating a commission or administrative
8 agency for their enforcement.

9 (14) Informant sources, the hiring or assignment of
10 undercover personnel or equipment, or ongoing, prior or
11 future criminal investigations, when discussed by a public
12 body with criminal investigatory responsibilities.

13 (15) Professional ethics or performance when
14 considered by an advisory body appointed to advise a
15 licensing or regulatory agency on matters germane to the
16 advisory body's field of competence.

17 (16) Self evaluation, practices and procedures or
18 professional ethics, when meeting with a representative of
19 a statewide association of which the public body is a
20 member.

21 (17) The recruitment, credentialing, discipline or
22 formal peer review of physicians or other health care
23 professionals for a hospital, or other institution
24 providing medical care, that is operated by the public
25 body.

26 (18) Deliberations for decisions of the Prisoner

1 Review Board.

2 (19) Review or discussion of applications received
3 under the Experimental Organ Transplantation Procedures
4 Act.

5 (20) The classification and discussion of matters
6 classified as confidential or continued confidential by
7 the State Government Suggestion Award Board.

8 (21) Discussion of minutes of meetings lawfully closed
9 under this Act, whether for purposes of approval by the
10 body of the minutes or semi-annual review of the minutes as
11 mandated by Section 2.06.

12 (22) Deliberations for decisions of the State
13 Emergency Medical Services Disciplinary Review Board.

14 (23) The operation by a municipality of a municipal
15 utility or the operation of a municipal power agency or
16 municipal natural gas agency when the discussion involves
17 (i) contracts relating to the purchase, sale, or delivery
18 of electricity or natural gas or (ii) the results or
19 conclusions of load forecast studies.

20 (24) Meetings of a residential health care facility
21 resident sexual assault and death review team or the
22 Executive Council under the Abuse Prevention Review Team
23 Act.

24 (25) Meetings of an independent team of experts under
25 Brian's Law.

26 (26) Meetings of a mortality review team appointed

1 under the Department of Juvenile Justice Mortality Review
2 Team Act.

3 (27) (Blank).

4 (28) Correspondence and records (i) that may not be
5 disclosed under Section 11-9 of the Public Aid Code or (ii)
6 that pertain to appeals under Section 11-8 of the Public
7 Aid Code.

8 (29) Meetings between internal or external auditors
9 and governmental audit committees, finance committees, and
10 their equivalents, when the discussion involves internal
11 control weaknesses, identification of potential fraud risk
12 areas, known or suspected frauds, and fraud interviews
13 conducted in accordance with generally accepted auditing
14 standards of the United States of America.

15 (30) Those meetings or portions of meetings of a ~~an~~
16 ~~at-risk-adult~~ fatality review team or the Illinois ~~At-Risk~~
17 ~~Adult~~ Fatality Review Team Advisory Council during which a
18 review of the death of an eligible adult in which abuse or
19 neglect is suspected, alleged, or substantiated is
20 conducted pursuant to Section 15 of the Adult Protective
21 Services Act.

22 (31) ~~(30)~~ Meetings and deliberations for decisions of
23 the Concealed Carry Licensing Review Board under the
24 Firearm Concealed Carry Act.

25 (d) Definitions. For purposes of this Section:

26 "Employee" means a person employed by a public body whose

1 relationship with the public body constitutes an
2 employer-employee relationship under the usual common law
3 rules, and who is not an independent contractor.

4 "Public office" means a position created by or under the
5 Constitution or laws of this State, the occupant of which is
6 charged with the exercise of some portion of the sovereign
7 power of this State. The term "public office" shall include
8 members of the public body, but it shall not include
9 organizational positions filled by members thereof, whether
10 established by law or by a public body itself, that exist to
11 assist the body in the conduct of its business.

12 "Quasi-adjudicative body" means an administrative body
13 charged by law or ordinance with the responsibility to conduct
14 hearings, receive evidence or testimony and make
15 determinations based thereon, but does not include local
16 electoral boards when such bodies are considering petition
17 challenges.

18 (e) Final action. No final action may be taken at a closed
19 meeting. Final action shall be preceded by a public recital of
20 the nature of the matter being considered and other information
21 that will inform the public of the business being conducted.

22 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;
23 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.
24 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; revised
25 7-23-13.)

1 Section 10. The Freedom of Information Act is amended by
2 changing Section 7.5 as follows:

3 (5 ILCS 140/7.5)

4 Sec. 7.5. Statutory Exemptions. To the extent provided for
5 by the statutes referenced below, the following shall be exempt
6 from inspection and copying:

7 (a) All information determined to be confidential under
8 Section 4002 of the Technology Advancement and Development Act.

9 (b) Library circulation and order records identifying
10 library users with specific materials under the Library Records
11 Confidentiality Act.

12 (c) Applications, related documents, and medical records
13 received by the Experimental Organ Transplantation Procedures
14 Board and any and all documents or other records prepared by
15 the Experimental Organ Transplantation Procedures Board or its
16 staff relating to applications it has received.

17 (d) Information and records held by the Department of
18 Public Health and its authorized representatives relating to
19 known or suspected cases of sexually transmissible disease or
20 any information the disclosure of which is restricted under the
21 Illinois Sexually Transmissible Disease Control Act.

22 (e) Information the disclosure of which is exempted under
23 Section 30 of the Radon Industry Licensing Act.

24 (f) Firm performance evaluations under Section 55 of the
25 Architectural, Engineering, and Land Surveying Qualifications

1 Based Selection Act.

2 (g) Information the disclosure of which is restricted and
3 exempted under Section 50 of the Illinois Prepaid Tuition Act.

4 (h) Information the disclosure of which is exempted under
5 the State Officials and Employees Ethics Act, and records of
6 any lawfully created State or local inspector general's office
7 that would be exempt if created or obtained by an Executive
8 Inspector General's office under that Act.

9 (i) Information contained in a local emergency energy plan
10 submitted to a municipality in accordance with a local
11 emergency energy plan ordinance that is adopted under Section
12 11-21.5-5 of the Illinois Municipal Code.

13 (j) Information and data concerning the distribution of
14 surcharge moneys collected and remitted by wireless carriers
15 under the Wireless Emergency Telephone Safety Act.

16 (k) Law enforcement officer identification information or
17 driver identification information compiled by a law
18 enforcement agency or the Department of Transportation under
19 Section 11-212 of the Illinois Vehicle Code.

20 (l) Records and information provided to a residential
21 health care facility resident sexual assault and death review
22 team or the Executive Council under the Abuse Prevention Review
23 Team Act.

24 (m) Information provided to the predatory lending database
25 created pursuant to Article 3 of the Residential Real Property
26 Disclosure Act, except to the extent authorized under that

1 Article.

2 (n) Defense budgets and petitions for certification of
3 compensation and expenses for court appointed trial counsel as
4 provided under Sections 10 and 15 of the Capital Crimes
5 Litigation Act. This subsection (n) shall apply until the
6 conclusion of the trial of the case, even if the prosecution
7 chooses not to pursue the death penalty prior to trial or
8 sentencing.

9 (o) Information that is prohibited from being disclosed
10 under Section 4 of the Illinois Health and Hazardous Substances
11 Registry Act.

12 (p) Security portions of system safety program plans,
13 investigation reports, surveys, schedules, lists, data, or
14 information compiled, collected, or prepared by or for the
15 Regional Transportation Authority under Section 2.11 of the
16 Regional Transportation Authority Act or the St. Clair County
17 Transit District under the Bi-State Transit Safety Act.

18 (q) Information prohibited from being disclosed by the
19 Personnel Records Review Act.

20 (r) Information prohibited from being disclosed by the
21 Illinois School Student Records Act.

22 (s) Information the disclosure of which is restricted under
23 Section 5-108 of the Public Utilities Act.

24 (t) All identified or deidentified health information in
25 the form of health data or medical records contained in, stored
26 in, submitted to, transferred by, or released from the Illinois

1 Health Information Exchange, and identified or deidentified
2 health information in the form of health data and medical
3 records of the Illinois Health Information Exchange in the
4 possession of the Illinois Health Information Exchange
5 Authority due to its administration of the Illinois Health
6 Information Exchange. The terms "identified" and
7 "deidentified" shall be given the same meaning as in the Health
8 Insurance Accountability and Portability Act of 1996, Public
9 Law 104-191, or any subsequent amendments thereto, and any
10 regulations promulgated thereunder.

11 (u) Records and information provided to an independent team
12 of experts under Brian's Law.

13 (v) Names and information of people who have applied for or
14 received Firearm Owner's Identification Cards under the
15 Firearm Owners Identification Card Act or applied for or
16 received a concealed carry license under the Firearm Concealed
17 Carry Act, unless otherwise authorized by the Firearm Concealed
18 Carry Act; and databases under the Firearm Concealed Carry Act,
19 records of the Concealed Carry Licensing Review Board under the
20 Firearm Concealed Carry Act, and law enforcement agency
21 objections under the Firearm Concealed Carry Act.

22 (w) Personally identifiable information which is exempted
23 from disclosure under subsection (g) of Section 19.1 of the
24 Toll Highway Act.

25 (x) Information which is exempted from disclosure under
26 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the

1 Illinois Municipal Code.

2 (y) Confidential information under the Adult Protective
3 Services Act and its predecessor enabling statute, the Elder
4 Abuse and Neglect Act, including information about the identity
5 and administrative finding against any caregiver of a verified
6 and substantiated decision of ~~significant~~ abuse, neglect, or
7 financial exploitation of an eligible adult maintained in the
8 ~~Department of Public Health's Health Care Worker~~ Registry
9 established under Section 7.5.

10 (z) Records and information provided to a ~~an at risk adult~~
11 fatality review team or the Illinois ~~At-Risk Adult~~ Fatality
12 Review Team Advisory Council under Section 15 of the Adult
13 Protective Services Act.

14 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
15 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,
16 eff. 7-1-13; 98-63, eff. 7-9-13; revised 7-23-13.)

17 Section 15. The Adult Protective Services Act is amended by
18 changing Sections 2, 3, 3.5, 4, 5, 7.5, 8, 9, 13, and 15 as
19 follows:

20 (320 ILCS 20/2) (from Ch. 23, par. 6602)

21 Sec. 2. Definitions. As used in this Act, unless the
22 context requires otherwise:

23 (a) "Abuse" means causing any physical, mental or sexual
24 injury to an eligible adult, including exploitation of such

1 adult's financial resources.

2 Nothing in this Act shall be construed to mean that an
3 eligible adult is a victim of abuse, neglect, or self-neglect
4 for the sole reason that he or she is being furnished with or
5 relies upon treatment by spiritual means through prayer alone,
6 in accordance with the tenets and practices of a recognized
7 church or religious denomination.

8 Nothing in this Act shall be construed to mean that an
9 eligible adult is a victim of abuse because of health care
10 services provided or not provided by licensed health care
11 professionals.

12 (a-5) "Abuser" means a person who abuses, neglects, or
13 financially exploits an eligible adult.

14 (a-6) "Adult with disabilities" means a person aged 18
15 through 59 who resides in a domestic living situation and whose
16 disability as defined in subsection (c-5) impairs his or her
17 ability to seek or obtain protection from abuse, neglect, or
18 exploitation.

19 (a-7) "Caregiver" means a person who either as a result of
20 a family relationship, voluntarily, or in exchange for
21 compensation has assumed responsibility for all or a portion of
22 the care of an eligible adult who needs assistance with
23 activities of daily living or instrumental activities of daily
24 living.

25 (b) "Department" means the Department on Aging of the State
26 of Illinois.

1 (c) "Director" means the Director of the Department.

2 (c-5) "Disability" means a physical or mental disability,
3 including, but not limited to, a developmental disability, an
4 intellectual disability, a mental illness as defined under the
5 Mental Health and Developmental Disabilities Code, or dementia
6 as defined under the Alzheimer's Disease Assistance Act.

7 (d) "Domestic living situation" means a residence where the
8 eligible adult at the time of the report lives alone or with
9 his or her family or a caregiver, or others, or other
10 community-based unlicensed facility, but is not:

11 (1) A licensed facility as defined in Section 1-113 of
12 the Nursing Home Care Act;

13 (1.5) A facility licensed under the ID/DD Community
14 Care Act;

15 (1.7) A facility licensed under the Specialized Mental
16 Health Rehabilitation Act of 2013;

17 (2) A "life care facility" as defined in the Life Care
18 Facilities Act;

19 (3) A home, institution, or other place operated by the
20 federal government or agency thereof or by the State of
21 Illinois;

22 (4) A hospital, sanitarium, or other institution, the
23 principal activity or business of which is the diagnosis,
24 care, and treatment of human illness through the
25 maintenance and operation of organized facilities
26 therefor, which is required to be licensed under the

1 Hospital Licensing Act;

2 (5) A "community living facility" as defined in the
3 Community Living Facilities Licensing Act;

4 (6) (Blank);

5 (7) A "community-integrated living arrangement" as
6 defined in the Community-Integrated Living Arrangements
7 Licensure and Certification Act or a "community
8 residential alternative" as licensed under that Act;

9 (8) An assisted living or shared housing establishment
10 as defined in the Assisted Living and Shared Housing Act;
11 or

12 (9) A supportive living facility as described in
13 Section 5-5.01a of the Illinois Public Aid Code.

14 (e) "Eligible adult" means either an adult with
15 disabilities aged 18 through 59 or a person aged 60 or older
16 who resides in a domestic living situation and is, or is
17 alleged to be, abused, neglected, or financially exploited by
18 another individual or who neglects himself or herself.

19 (f) "Emergency" means a situation in which an eligible
20 adult is living in conditions presenting a risk of death or
21 physical, mental or sexual injury and the provider agency has
22 reason to believe the eligible adult is unable to consent to
23 services which would alleviate that risk.

24 (f-1) "Financial exploitation" means the use of an eligible
25 adult's resources by another to the disadvantage of that adult
26 or the profit or advantage of a person other than that adult.

1 (f-5) "Mandated reporter" means any of the following
2 persons while engaged in carrying out their professional
3 duties:

4 (1) a professional or professional's delegate while
5 engaged in: (i) social services, (ii) law enforcement,
6 (iii) education, (iv) the care of an eligible adult or
7 eligible adults, or (v) any of the occupations required to
8 be licensed under the Clinical Psychologist Licensing Act,
9 the Clinical Social Work and Social Work Practice Act, the
10 Illinois Dental Practice Act, the Dietitian Nutritionist
11 Practice Act, the Marriage and Family Therapy Licensing
12 Act, the Medical Practice Act of 1987, the Naprapathic
13 Practice Act, the Nurse Practice Act, the Nursing Home
14 Administrators Licensing and Disciplinary Act, the
15 Illinois Occupational Therapy Practice Act, the Illinois
16 Optometric Practice Act of 1987, the Pharmacy Practice Act,
17 the Illinois Physical Therapy Act, the Physician Assistant
18 Practice Act of 1987, the Podiatric Medical Practice Act of
19 1987, the Respiratory Care Practice Act, the Professional
20 Counselor and Clinical Professional Counselor Licensing
21 and Practice Act, the Illinois Speech-Language Pathology
22 and Audiology Practice Act, the Veterinary Medicine and
23 Surgery Practice Act of 2004, and the Illinois Public
24 Accounting Act;

25 (1.5) an employee of an entity providing developmental
26 disabilities services or service coordination funded by

1 the Department of Human Services;

2 (2) an employee of a vocational rehabilitation
3 facility prescribed or supervised by the Department of
4 Human Services;

5 (3) an administrator, employee, or person providing
6 services in or through an unlicensed community based
7 facility;

8 (4) any religious practitioner who provides treatment
9 by prayer or spiritual means alone in accordance with the
10 tenets and practices of a recognized church or religious
11 denomination, except as to information received in any
12 confession or sacred communication enjoined by the
13 discipline of the religious denomination to be held
14 confidential;

15 (5) field personnel of the Department of Healthcare and
16 Family Services, Department of Public Health, and
17 Department of Human Services, and any county or municipal
18 health department;

19 (6) personnel of the Department of Human Services, the
20 Guardianship and Advocacy Commission, the State Fire
21 Marshal, local fire departments, the Department on Aging
22 and its subsidiary Area Agencies on Aging and provider
23 agencies, and the Office of State Long Term Care Ombudsman;

24 (7) any employee of the State of Illinois not otherwise
25 specified herein who is involved in providing services to
26 eligible adults, including professionals providing medical

1 or rehabilitation services and all other persons having
2 direct contact with eligible adults;

3 (8) a person who performs the duties of a coroner or
4 medical examiner; or

5 (9) a person who performs the duties of a paramedic or
6 an emergency medical technician.

7 (g) "Neglect" means another individual's failure to
8 provide an eligible adult with or willful withholding from an
9 eligible adult the necessities of life including, but not
10 limited to, food, clothing, shelter or health care. This
11 subsection does not create any new affirmative duty to provide
12 support to eligible adults. Nothing in this Act shall be
13 construed to mean that an eligible adult is a victim of neglect
14 because of health care services provided or not provided by
15 licensed health care professionals.

16 (h) "Provider agency" means any public or nonprofit agency
17 in a planning and service area that is selected by the
18 Department or appointed by the regional administrative agency
19 with prior approval by the Department on Aging to receive and
20 assess reports of alleged or suspected abuse, neglect, or
21 financial exploitation. A provider agency is also referenced as
22 a "designated agency" in this Act.

23 (i) "Regional administrative agency" means any public or
24 nonprofit agency in a planning and service area that provides
25 regional oversight and performs functions as set forth in
26 subsection (b) of Section 3 of this Act. The Department shall

1 designate an Area Agency on Aging as the regional
2 administrative agency or, in the event the Area Agency on Aging
3 in that planning and service area is deemed by the Department
4 to be unwilling or unable to provide those functions, the
5 Department may serve as the regional administrative agency or
6 designate another qualified entity to serve as the regional
7 administrative agency; any such designation shall be subject to
8 terms set forth by the Department. ~~so designated by the~~
9 ~~Department, provided that the designated Area Agency on Aging~~
10 ~~shall be designated the regional administrative agency if it so~~
11 ~~requests. The Department shall assume the functions of the~~
12 ~~regional administrative agency for any planning and service~~
13 ~~area where another agency is not so designated.~~

14 (i-5) "Self-neglect" means a condition that is the result
15 of an eligible adult's inability, due to physical or mental
16 impairments, or both, or a diminished capacity, to perform
17 essential self-care tasks that substantially threaten his or
18 her own health, including: providing essential food, clothing,
19 shelter, and health care; and obtaining goods and services
20 necessary to maintain physical health, mental health,
21 emotional well-being, and general safety. The term includes
22 compulsive hoarding, which is characterized by the acquisition
23 and retention of large quantities of items and materials that
24 produce an extensively cluttered living space, which
25 significantly impairs the performance of essential self-care
26 tasks or otherwise substantially threatens life or safety.

1 (j) "Substantiated case" means a reported case of alleged
2 or suspected abuse, neglect, financial exploitation, or
3 self-neglect in which a provider agency, after assessment,
4 determines that there is reason to believe abuse, neglect, or
5 financial exploitation has occurred.

6 (k) "Verified" means a determination that there is "clear
7 and convincing evidence" that the specific injury or harm
8 alleged was the result of abuse, neglect, or financial
9 exploitation.

10 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-300,
11 eff. 8-11-11; 97-706, eff. 6-25-12; 97-813, eff. 7-13-12;
12 97-1141, eff. 12-28-12; 98-49, eff. 7-1-13; 98-104, eff.
13 7-22-13; revised 9-19-13.)

14 (320 ILCS 20/3) (from Ch. 23, par. 6603)

15 Sec. 3. Responsibilities.

16 (a) The Department shall establish, design, and manage a
17 protective services program for eligible adults who have been,
18 or are alleged to be, victims of abuse, neglect, financial
19 exploitation, or self-neglect. The Department shall contract
20 with or fund, or contract with and fund, regional
21 administrative agencies, provider agencies, or both, for the
22 provision of those functions, and, contingent on adequate
23 funding, with attorneys or legal services provider agencies for
24 the provision of legal assistance pursuant to this Act. For
25 self-neglect, the program shall include the following services

1 for eligible adults who have been removed from their residences
2 for the purpose of cleanup or repairs: temporary housing;
3 counseling; and caseworker services to try to ensure that the
4 conditions necessitating the removal do not reoccur.

5 (a-1) The Department shall by rule develop standards for
6 minimum staffing levels and staff qualifications. The
7 Department shall by rule establish mandatory standards for the
8 investigation of abuse, neglect, financial exploitation, or
9 self-neglect of eligible adults and mandatory procedures for
10 linking eligible adults to appropriate services and supports.

11 (a-5) A provider agency shall, in accordance with rules
12 promulgated by the Department, establish a multi-disciplinary
13 team to act in an advisory role for the purpose of providing
14 professional knowledge and expertise in the handling of complex
15 abuse cases involving eligible adults. Each multi-disciplinary
16 team shall consist of one volunteer representative from the
17 following professions: banking or finance; disability care;
18 health care; law; law enforcement; mental health care; and
19 clergy. A provider agency may also choose to add
20 representatives from the fields of substance abuse, domestic
21 violence, sexual assault, or other related fields. To support
22 multi-disciplinary teams in this role, law enforcement
23 agencies and coroners or medical examiners shall supply records
24 as may be requested in particular cases.

25 (b) Each regional administrative agency shall designate
26 provider agencies within its planning and service area with

1 prior approval by the Department on Aging, monitor the use of
2 services, provide technical assistance to the provider
3 agencies and be involved in program development activities.

4 (c) Provider agencies shall assist, to the extent possible,
5 eligible adults who need agency services to allow them to
6 continue to function independently. Such assistance shall
7 include, but not be limited to, receiving reports of alleged or
8 suspected abuse, neglect, financial exploitation, or
9 self-neglect, conducting face-to-face assessments of such
10 reported cases, determination of substantiated cases, referral
11 of substantiated cases for necessary support services,
12 referral of criminal conduct to law enforcement in accordance
13 with Department guidelines, and provision of case work and
14 follow-up services on substantiated cases. In the case of a
15 report of alleged or suspected abuse or neglect that places an
16 eligible adult at risk of injury or death, a provider agency
17 shall respond to the report on an emergency basis in accordance
18 with guidelines established by the Department by
19 administrative rule and shall ensure that it is capable of
20 responding to such a report 24 hours per day, 7 days per week.
21 A provider agency may use an on-call system to respond to
22 reports of alleged or suspected abuse or neglect after hours
23 and on weekends.

24 (c-5) Where a provider agency has reason to believe that
25 the death of an eligible adult may be the result of abuse or
26 neglect, including any reports made after death, the agency

1 shall immediately report the matter to both the appropriate law
2 enforcement agency and the coroner or medical examiner. Between
3 30 and 45 days after making such a report, the provider agency
4 again shall contact the law enforcement agency and coroner or
5 medical examiner to determine whether any further action was
6 taken. Upon request by a provider agency, a law enforcement
7 agency and coroner or medical examiner shall supply a summary
8 of its action in response to a reported death of an eligible
9 adult. A copy of the report shall be maintained and all
10 subsequent follow-up with the law enforcement agency and
11 coroner or medical examiner shall be documented in the case
12 record of the eligible adult. If the law enforcement agency,
13 coroner, or medical examiner determines the reported death was
14 caused by abuse or neglect by a caregiver, the law enforcement
15 agency, coroner, or medical examiner shall inform the
16 Department, and the Department shall report the caregiver's
17 identity on the Registry as described in Section 7.5 of this
18 Act.

19 (d) Upon sufficient appropriations to implement a
20 statewide program, the Department shall implement a program,
21 based on the recommendations of the Self-Neglect Steering
22 Committee, for (i) responding to reports of possible
23 self-neglect, (ii) protecting the autonomy, rights, privacy,
24 and privileges of adults during investigations of possible
25 self-neglect and consequential judicial proceedings regarding
26 competency, (iii) collecting and sharing relevant information

1 and data among the Department, provider agencies, regional
2 administrative agencies, and relevant seniors, (iv) developing
3 working agreements between provider agencies and law
4 enforcement, where practicable, and (v) developing procedures
5 for collecting data regarding incidents of self-neglect.

6 (Source: P.A. 98-49, eff. 7-1-13.)

7 (320 ILCS 20/3.5)

8 Sec. 3.5. Other Responsibilities. The Department shall
9 also be responsible for the following activities, contingent
10 upon adequate funding; implementation shall be expanded to
11 adults with disabilities upon the effective date of this
12 amendatory Act of the 98th General Assembly, except those
13 responsibilities under subsection (a), which shall be
14 undertaken as soon as practicable:

15 (a) promotion of a wide range of endeavors for the
16 purpose of preventing abuse, neglect, financial
17 exploitation, and self-neglect, including, but not limited
18 to, promotion of public and professional education to
19 increase awareness of abuse, neglect, financial
20 exploitation, and self-neglect; to increase reports; to
21 establish access to and use of the ~~Health Care Worker~~
22 Registry established under Section 7.5; and to improve
23 response by various legal, financial, social, and health
24 systems;

25 (b) coordination of efforts with other agencies,

1 councils, and like entities, to include but not be limited
2 to, the Administrative Office of the Illinois Courts, the
3 Office of the Attorney General, the State Police, the
4 Illinois Law Enforcement Training Standards Board, the
5 State Triad, the Illinois Criminal Justice Information
6 Authority, the Departments of Public Health, Healthcare
7 and Family Services, and Human Services, the Illinois
8 Guardianship and Advocacy Commission, the Family Violence
9 Coordinating Council, the Illinois Violence Prevention
10 Authority, and other entities which may impact awareness
11 of, and response to, abuse, neglect, financial
12 exploitation, and self-neglect;

13 (c) collection and analysis of data;

14 (d) monitoring of the performance of regional
15 administrative agencies and adult protective services
16 agencies;

17 (e) promotion of prevention activities;

18 (f) establishing and coordinating an aggressive
19 training program on the unique nature of adult abuse cases
20 with other agencies, councils, and like entities, to
21 include but not be limited to the Office of the Attorney
22 General, the State Police, the Illinois Law Enforcement
23 Training Standards Board, the State Triad, the Illinois
24 Criminal Justice Information Authority, the State
25 Departments of Public Health, Healthcare and Family
26 Services, and Human Services, the Family Violence

1 Coordinating Council, the Illinois Violence Prevention
2 Authority, the agency designated by the Governor under
3 Section 1 of the Protection and Advocacy for
4 Developmentally Disabled Persons Act, and other entities
5 that may impact awareness of and response to abuse,
6 neglect, financial exploitation, and self-neglect;

7 (g) solicitation of financial institutions for the
8 purpose of making information available to the general
9 public warning of financial exploitation of adults and
10 related financial fraud or abuse, including such
11 information and warnings available through signage or
12 other written materials provided by the Department on the
13 premises of such financial institutions, provided that the
14 manner of displaying or distributing such information is
15 subject to the sole discretion of each financial
16 institution;

17 (g-1) developing by joint rulemaking with the
18 Department of Financial and Professional Regulation
19 minimum training standards which shall be used by financial
20 institutions for their current and new employees with
21 direct customer contact; the Department of Financial and
22 Professional Regulation shall retain sole visitation and
23 enforcement authority under this subsection (g-1); the
24 Department of Financial and Professional Regulation shall
25 provide bi-annual reports to the Department setting forth
26 aggregate statistics on the training programs required

1 under this subsection (g-1); and

2 (h) coordinating efforts with utility and electric
3 companies to send notices in utility bills to explain to
4 persons 60 years of age or older their rights regarding
5 telemarketing and home repair fraud.

6 (Source: P.A. 98-49, eff. 7-1-13.)

7 (320 ILCS 20/4) (from Ch. 23, par. 6604)

8 Sec. 4. Reports of abuse or neglect.

9 (a) Any person who suspects the abuse, neglect, financial
10 exploitation, or self-neglect of an eligible adult may report
11 this suspicion to an agency designated to receive such reports
12 under this Act or to the Department.

13 (a-5) If any mandated reporter has reason to believe that
14 an eligible adult, who because of a disability or other
15 condition or impairment is unable to seek assistance for
16 himself or herself, has, within the previous 12 months, been
17 subjected to abuse, neglect, or financial exploitation, the
18 mandated reporter shall, within 24 hours after developing such
19 belief, report this suspicion to an agency designated to
20 receive such reports under this Act or to the Department. The
21 agency designated to receive such reports under this Act or the
22 Department may establish a manner in which a mandated reporter
23 can make the required report through an Internet reporting
24 tool. Information sent and received through the Internet
25 reporting tool is subject to the same rules in this Act as

1 other types of confidential reporting established by the
2 designated agency or the Department. Whenever a mandated
3 reporter is required to report under this Act in his or her
4 capacity as a member of the staff of a medical or other public
5 or private institution, facility, or agency, he or she shall
6 make a report to an agency designated to receive such reports
7 under this Act or to the Department in accordance with the
8 provisions of this Act and may also notify the person in charge
9 of the institution, facility, ~~board and care home,~~ or agency or
10 his or her designated agent that the report has been made.
11 Under no circumstances shall any person in charge of such
12 institution, facility, ~~board and care home,~~ or agency, or his
13 or her designated agent to whom the notification has been made,
14 exercise any control, restraint, modification, or other change
15 in the report or the forwarding of the report to an agency
16 designated to receive such reports under this Act or to the
17 Department. The privileged quality of communication between
18 any professional person required to report and his or her
19 patient or client shall not apply to situations involving
20 abused, neglected, or financially exploited eligible adults
21 and shall not constitute grounds for failure to report as
22 required by this Act.

23 (a-7) A person making a report under this Act in the belief
24 that it is in the alleged victim's best interest shall be
25 immune from criminal or civil liability or professional
26 disciplinary action on account of making the report,

1 notwithstanding any requirements concerning the
2 confidentiality of information with respect to such eligible
3 adult which might otherwise be applicable.

4 (a-9) Law enforcement officers shall continue to report
5 incidents of alleged abuse pursuant to the Illinois Domestic
6 Violence Act of 1986, notwithstanding any requirements under
7 this Act.

8 (b) Any person, institution or agency participating in the
9 making of a report, providing information or records related to
10 a report, assessment, or services, or participating in the
11 investigation of a report under this Act in good faith, or
12 taking photographs or x-rays as a result of an authorized
13 assessment, shall have immunity from any civil, criminal or
14 other liability in any civil, criminal or other proceeding
15 brought in consequence of making such report or assessment or
16 on account of submitting or otherwise disclosing such
17 photographs or x-rays to any agency designated to receive
18 reports of alleged or suspected abuse or neglect. Any person,
19 institution or agency authorized by the Department to provide
20 assessment, intervention, or administrative services under
21 this Act shall, in the good faith performance of those
22 services, have immunity from any civil, criminal or other
23 liability in any civil, criminal, or other proceeding brought
24 as a consequence of the performance of those services. For the
25 purposes of any civil, criminal, or other proceeding, the good
26 faith of any person required to report, permitted to report, or

1 participating in an investigation of a report of alleged or
2 suspected abuse, neglect, financial exploitation, or
3 self-neglect shall be presumed.

4 (c) The identity of a person making a report of alleged or
5 suspected abuse, neglect, financial exploitation, or
6 self-neglect under this Act may be disclosed by the Department
7 or other agency provided for in this Act only with such
8 person's written consent or by court order, but is otherwise
9 confidential.

10 (d) The Department shall by rule establish a system for
11 filing and compiling reports made under this Act.

12 (e) Any physician who willfully fails to report as required
13 by this Act shall be referred to the Illinois State Medical
14 Disciplinary Board for action in accordance with subdivision
15 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any
16 dentist or dental hygienist who willfully fails to report as
17 required by this Act shall be referred to the Department of
18 Professional Regulation for action in accordance with
19 paragraph 19 of Section 23 of the Illinois Dental Practice Act.
20 Any optometrist who willfully fails to report as required by
21 this Act shall be referred to the Department of Financial and
22 Professional Regulation for action in accordance with
23 paragraph (15) of subsection (a) of Section 24 of the Illinois
24 Optometric Practice Act of 1987. Any other mandated reporter
25 required by this Act to report suspected abuse, neglect, or
26 financial exploitation who willfully fails to report the same

1 is guilty of a Class A misdemeanor.

2 (Source: P.A. 97-860, eff. 7-30-12; 98-49, eff. 7-1-13.)

3 (320 ILCS 20/5) (from Ch. 23, par. 6605)

4 Sec. 5. Procedure.

5 (a) A provider agency designated to receive reports of
6 alleged or suspected abuse, neglect, financial exploitation,
7 or self-neglect under this Act shall, upon receiving such a
8 report, conduct a face-to-face assessment with respect to such
9 report, in accord with established law and Department
10 protocols, procedures, and policies. Face-to-face assessments,
11 casework, and follow-up of reports of self-neglect by the
12 provider agencies designated to receive reports of
13 self-neglect shall be subject to sufficient appropriation for
14 statewide implementation of assessments, casework, and
15 follow-up of reports of self-neglect. In the absence of
16 sufficient appropriation for statewide implementation of
17 assessments, casework, and follow-up of reports of
18 self-neglect, the designated adult protective services
19 provider agency shall refer all reports of self-neglect to the
20 appropriate agency or agencies as designated by the Department
21 for any follow-up. The assessment shall include, but not be
22 limited to, a visit to the residence of the eligible adult who
23 is the subject of the report and may include interviews or
24 consultations with service agencies or individuals who may have
25 knowledge of the eligible adult's circumstances. If, after the

1 assessment, the provider agency determines that the case is
2 substantiated it shall develop a service care plan for the
3 eligible adult and may report its findings at any time during
4 the case to the appropriate law enforcement agency in accord
5 with established law and Department protocols, procedures, and
6 policies. In developing a case plan, the provider agency may
7 consult with any other appropriate provider of services, and
8 such providers shall be immune from civil or criminal liability
9 on account of such acts. The plan shall include alternative
10 suggested or recommended services which are appropriate to the
11 needs of the eligible adult and which involve the least
12 restriction of the eligible adult's activities commensurate
13 with his or her needs. Only those services to which consent is
14 provided in accordance with Section 9 of this Act shall be
15 provided, contingent upon the availability of such services.

16 (b) A provider agency shall refer evidence of crimes
17 against an eligible adult to the appropriate law enforcement
18 agency according to Department policies. A referral to law
19 enforcement may be made at intake or any time during the case.
20 Where a provider agency has reason to believe the death of an
21 eligible adult may be the result of abuse or neglect, the
22 agency shall immediately report the matter to the coroner or
23 medical examiner and shall cooperate fully with any subsequent
24 investigation.

25 (c) If any person other than the alleged victim refuses to
26 allow the provider agency to begin an investigation, interferes

1 with the provider agency's ability to conduct an investigation,
2 or refuses to give access to an eligible adult, the appropriate
3 law enforcement agency must be consulted regarding the
4 investigation.

5 (Source: P.A. 98-49, eff. 7-1-13.)

6 (320 ILCS 20/7.5)

7 Sec. 7.5. ~~Health Care Worker~~ Registry.

8 (a) To protect individuals receiving in-home and
9 community-based services, the Department on Aging shall
10 establish an Adult Protective Service Registry that will be
11 hosted by the Department of Public Health on its website
12 effective January 1, 2015, and, if practicable, shall propose
13 rules for the Registry by January 1, 2015.

14 (a-5) The Registry shall identify caregivers against whom a
15 verified and substantiated finding was made under this Act of
16 abuse, neglect, or financial exploitation.

17 The information in the Registry shall be confidential
18 except as specifically authorized in this Act and shall not be
19 deemed a public record.

20 (a-10) ~~(a)~~ Reporting to the Registry. The Department on
21 Aging shall report ~~to the~~ ~~to the Department of Public Health's~~
22 ~~Health Care Worker~~ Registry the identity of the caregiver when
23 ~~a and administrative finding of a~~ verified and substantiated
24 ~~finding decision~~ of abuse, neglect, or financial exploitation
25 of an eligible adult under this Act ~~that~~ is made against a

1 caregiver, and all appeals, challenges, and reviews, if any,
2 have been completed and a finding for placement on the Registry
3 has been sustained or upheld. ~~any caregiver, including~~
4 ~~consultants and volunteers, employed by a provider licensed,~~
5 ~~certified, or regulated by, or paid with public funds from, the~~
6 ~~Department of Public Health, Healthcare and Family Services, or~~
7 ~~Human Services, or the Department on Aging. For uncompensated~~
8 ~~or privately paid caregivers, the Department on Aging shall~~
9 ~~report only a verified and substantiated decision of~~
10 ~~significant abuse, neglect, or financial exploitation of an~~
11 ~~eligible adult under this Act.~~

12 A ~~An~~ administrative finding against a caregiver that is
13 placed in the Registry shall preclude that any caregiver from
14 providing direct care, as defined in this Section ~~access or~~
15 ~~other services, including consulting and volunteering, in a~~
16 position with or that is regulated by or paid with public funds
17 from the Department on Aging, the Department of Healthcare and
18 Family Services, the Department of Human Services, or the
19 Department of Public Health or with an entity or provider
20 licensed, certified, or regulated by or paid with public funds
21 from any of these State agencies ~~a provider that is licensed,~~
22 ~~certified, or regulated by, or paid with public funds from or~~
23 ~~on behalf of, the State of Illinois or any Department thereof,~~
24 ~~that permits the caregiver direct access to an adult aged 60 or~~
25 ~~older or an adult, over 18, with a disability or to that~~
26 ~~individual's living quarters or personal, financial, or~~

1 ~~medical records.~~

2 (b) Definitions. As used in this Section:

3 "Direct care" includes, but is not limited to, direct
4 access to a person aged 60 or older or to an adult with
5 disabilities aged 18 through 59 ~~to an individual~~, his or her
6 living quarters, or his or her personal, financial, or medical
7 records for the purpose of providing nursing care or assistance
8 with feeding, dressing, movement, bathing, toileting, other
9 personal needs and activities of daily living or instrumental
10 activities of daily living, or assistance with financial
11 transactions.

12 "Participant" means an individual who uses the services of
13 an in-home care program funded through the Department on Aging,
14 the Department of Healthcare and Family Services, the
15 Department of Human Services, or the Department of Public
16 Health.

17 ~~"Privately paid caregiver" means any caregiver who has been~~
18 ~~paid with resources other than public funds, regardless of~~
19 ~~licensure, certification, or regulation by the State of~~
20 ~~Illinois and any Department thereof. A privately paid caregiver~~
21 ~~does not include any caregiver that has been licensed,~~
22 ~~certified, or regulated by a State agency, or paid with public~~
23 ~~funds.~~

24 ~~"Significant" means a finding of abuse, neglect, or~~
25 ~~financial exploitation as determined by the Department that (i)~~
26 ~~represents a meaningful failure to adequately provide for, or a~~

1 ~~material indifference to, the financial, health, safety, or~~
2 ~~medical needs of an eligible adult or (ii) results in an~~
3 ~~eligible adult's death or other serious deterioration of an~~
4 ~~eligible adult's financial resources, physical condition, or~~
5 ~~mental condition.~~

6 ~~"Uncompensated caregiver" means a caregiver who, in an~~
7 ~~informal capacity, assists an eligible adult with activities of~~
8 ~~daily living, financial transactions, or chore housekeeping~~
9 ~~type duties. "Uncompensated caregiver" does not refer to an~~
10 ~~individual serving in a formal capacity as a volunteer with a~~
11 ~~provider licensed, certified, or regulated by a State agency.~~

12 (c) Access to and use of the Registry. Access to the
13 Registry shall be limited to the Department on Aging, the
14 Department of Healthcare and Family Services, the Department of
15 Human Services, and the Department of Public Health and
16 providers of direct care as described in subsection (a-10) of
17 this Section. These State agencies and providers licensed,
18 ~~certified, or regulated providers by the Department of Public~~
19 ~~Health, Healthcare and Family Service, or Human Services, or~~
20 ~~the Department on Aging. The State of Illinois, any Department~~
21 ~~thereof, or a provider licensed, certified, or regulated, or~~
22 ~~paid with public funds by, from, or on behalf of the Department~~
23 ~~of Public Health, Healthcare and Family Services, or Human~~
24 ~~Services, or the Department on Aging, shall not hire, ~~or~~~~
25 ~~compensate~~ either directly or on behalf of a participant, or
26 utilize the services of any person seeking ~~employment, retain~~

1 ~~any contractors, or accept any volunteers~~ to provide direct
2 care without first conducting an online check of whether the
3 person has been placed on the Registry ~~the person through the~~
4 ~~Department of Public Health's Health Care Worker Registry.~~
5 These State agencies and providers ~~The provider~~ shall maintain
6 a copy of the results of the online check to demonstrate
7 compliance with this requirement. These State agencies and
8 providers are ~~The provider is~~ prohibited from retaining,
9 hiring, compensating either directly or on behalf of a
10 participant, or utilizing the services of ~~accepting~~ a person to
11 provide direct care if, including as a consultant or volunteer,
12 ~~for whom~~ the online check of the person reveals a verified and
13 substantiated finding ~~claim~~ of abuse, neglect, or financial
14 exploitation that has been placed on the Registry or when the
15 State agencies or providers otherwise gain knowledge of such
16 placement on the Registry, ~~to provide direct access to any~~
17 ~~adult aged 60 or older or any adult, over 18, with a~~
18 ~~disability. Additionally, a provider is prohibited from~~
19 ~~retaining a person for whom they gain knowledge of a verified~~
20 ~~and substantiated claim of abuse, neglect, or financial~~
21 ~~exploitation in a position that permits the caregiver direct~~
22 ~~access to provide direct care to any adult aged 60 or older or~~
23 ~~any adult, over 18, with a disability or direct access to that~~
24 ~~individual's living quarters or personal, financial, or~~
25 ~~medical records.~~ Failure to comply with this requirement may
26 subject such a provider to corrective action by the appropriate

1 regulatory agency or other lawful remedies provided under the
2 applicable licensure, certification, or regulatory laws and
3 rules.

4 (d) Notice to caregiver. The Department on Aging shall
5 establish rules concerning notice to the caregiver in cases of
6 a verified and substantiated finding of abuse, neglect, or
7 financial exploitation against him or her that may make him or
8 her eligible for placement on the Registry.

9 (e) Notification to eligible adults, guardians, or agents.
10 As part of its investigation, the Department on Aging shall
11 notify an eligible adult, or an eligible adult's guardian or
12 agent, that his or her a caregiver's name may be placed on the
13 Registry based on a finding as described in subsection (a-10)
14 ~~(a-1)~~ of this Section.

15 (f) Notification to employer. The Department on Aging shall
16 notify the appropriate State agency or provider of direct care,
17 as described in subsection (a-10), when there is ~~A provider~~
18 ~~licensed, certified, or regulated by the Department of Public~~
19 ~~Health, Healthcare and Family Services, or Human Services, or~~
20 ~~the Department on Aging shall be notified of an administrative~~
21 ~~finding against any caregiver who is an employee, consultant,~~
22 ~~or volunteer of~~ a verified and substantiated finding decision
23 of abuse, neglect, or financial exploitation in a case of an
24 ~~eligible adult~~ under this Act that is reported on the Registry
25 and that involves one of its caregivers. That State agency or
26 provider is prohibited from retaining or compensating that

1 individual in a position that involves direct care, and if. ~~If~~
2 there is an imminent risk of danger to the victim eligible
3 ~~adult~~ or an imminent risk of misuse of personal, medical, or
4 financial information, that ~~the~~ caregiver shall immediately be
5 barred from providing direct care ~~access~~ to the victim eligible
6 ~~adult, his or her living quarters, or his or her personal,~~
7 ~~financial, or medical records,~~ pending the outcome of any
8 challenge, appeal, criminal prosecution, or other type of
9 collateral action.

10 (g) Challenges and appeals ~~Caregiver challenges~~. The
11 Department on Aging shall establish, by rule, procedures
12 concerning ~~caregiver~~ challenges and appeals to placement on the
13 Registry pursuant to legislative intent. The Department shall
14 not make any report to the Registry pending challenges or
15 appeals.

16 (h) Caregiver's rights to collateral action. The
17 Department on Aging shall not make any report to the Registry
18 if a caregiver notifies the Department in writing, ~~including~~
19 ~~any supporting documentation,~~ that he or she is formally
20 challenging an adverse employment action resulting from a
21 verified and substantiated finding of abuse, neglect, or
22 financial exploitation by complaint filed with the Illinois
23 Civil Service Commission, or by another means which seeks to
24 enforce the caregiver's rights pursuant to any applicable
25 collective bargaining agreement. If an action taken by an
26 employer against a caregiver as a result of ~~a~~ such a finding ~~of~~

1 ~~abuse, neglect, or financial exploitation~~ is overturned
2 through an action filed with the Illinois Civil Service
3 Commission or under any applicable collective bargaining
4 agreement after that caregiver's name has already been sent to
5 the Registry, the caregiver's name shall be removed from the
6 Registry.

7 (i) Removal from Registry. At any time after a report to
8 the Registry, but no more than once in each successive 3-year
9 period thereafter, for a maximum of 3 such requests, a
10 caregiver may ~~write to the Director of the Department on Aging~~
11 ~~to~~ request removal of his or her name from the Registry in
12 relationship to a single incident. The caregiver shall bear the
13 burden of establishing ~~showing cause that establishes~~, by a
14 preponderance of the evidence, that removal of his or her name
15 from the Registry is in the public interest. Upon receiving
16 such a request, the Department on Aging shall conduct an
17 investigation and consider any evidentiary material provided.
18 The Department shall issue a decision either granting or
19 denying removal ~~within 60 calendar days, and shall issue such~~
20 ~~decision~~ to the caregiver and report it to the Registry. ~~The~~
21 ~~waiver process at the Department of Public Health does not~~
22 ~~apply to Registry reports from the Department on Aging.~~ The
23 Department ~~on Aging~~ shall, by rule, establish standards and a
24 process for requesting the removal of a name from the Registry
25 ~~by rule~~.

26 (j) Referral of Registry reports to health care facilities.

1 In the event an eligible adult receiving services from a
2 provider agency changes his or her residence from a domestic
3 living situation to that of a health care or long term care
4 facility, the provider agency shall use reasonable efforts to
5 promptly inform the ~~health care~~ facility and the appropriate
6 Regional Long Term Care Ombudsman about any Registry reports
7 relating to the eligible adult. For purposes of this Section, a
8 health care or long term care facility includes, but is not
9 limited to, any residential facility licensed, certified, or
10 regulated by the Department of Public Health, Healthcare and
11 Family Services, or Human Services.

12 (k) The Department on Aging and its employees and agents
13 shall have immunity, except for intentional willful and wanton
14 misconduct, from any liability, civil, criminal, or otherwise,
15 for reporting information to and maintaining the Registry.

16 (Source: P.A. 98-49, eff. 1-1-14; revised 11-12-13.)

17 (320 ILCS 20/8) (from Ch. 23, par. 6608)

18 Sec. 8. Access to records. All records concerning reports
19 of abuse, neglect, financial exploitation, or self-neglect and
20 all records generated as a result of such reports shall be
21 confidential and shall not be disclosed except as specifically
22 authorized by this Act or other applicable law. In accord with
23 established law and Department protocols, procedures, and
24 policies, access to such records, but not access to the
25 identity of the person or persons making a report of alleged

1 abuse, neglect, financial exploitation, or self-neglect as
2 contained in such records, shall be provided, upon request, to
3 the following persons and for the following persons:

4 (1) Department staff, provider agency staff, other
5 aging network staff, and regional administrative agency
6 staff, including staff of the Chicago Department on Aging
7 while that agency is designated as a regional
8 administrative agency, in the furtherance of their
9 responsibilities under this Act;

10 (2) A law enforcement agency investigating known or
11 suspected abuse, neglect, financial exploitation, or
12 self-neglect. Where a provider agency has reason to believe
13 that the death of an eligible adult may be the result of
14 abuse or neglect, including any reports made after death,
15 the agency shall immediately provide the appropriate law
16 enforcement agency with all records pertaining to the
17 eligible adult;

18 (2.5) A law enforcement agency, fire department
19 agency, or fire protection district having proper
20 jurisdiction pursuant to a written agreement between a
21 provider agency and the law enforcement agency, fire
22 department agency, or fire protection district under which
23 the provider agency may furnish to the law enforcement
24 agency, fire department agency, or fire protection
25 district a list of all eligible adults who may be at
26 imminent risk of abuse, neglect, financial exploitation,

1 or self-neglect;

2 (3) A physician who has before him or her or who is
3 involved in the treatment of an eligible adult whom he or
4 she reasonably suspects may be abused, neglected,
5 financially exploited, or self-neglected or who has been
6 referred to the Adult Protective Services Program;

7 (4) An eligible adult reported to be abused, neglected,
8 financially exploited, or self-neglected, or such adult's
9 authorized guardian or agent, unless such guardian or agent
10 is the abuser or the alleged abuser;

11 (4.5) An executor or administrator of the estate of an
12 eligible adult who is deceased;

13 (5) In cases regarding abuse, neglect, or financial
14 exploitation, a court or a guardian ad litem, upon its or
15 his or her finding that access to such records may be
16 necessary for the determination of an issue before the
17 court. However, such access shall be limited to an in
18 camera inspection of the records, unless the court
19 determines that disclosure of the information contained
20 therein is necessary for the resolution of an issue then
21 pending before it;

22 (5.5) In cases regarding self-neglect, a guardian ad
23 litem;

24 (6) A grand jury, upon its determination that access to
25 such records is necessary in the conduct of its official
26 business;

1 (7) Any person authorized by the Director, in writing,
2 for audit or bona fide research purposes;

3 (8) A coroner or medical examiner who has reason to
4 believe that an eligible adult has died as the result of
5 abuse, neglect, financial exploitation, or self-neglect.
6 The provider agency shall immediately provide the coroner
7 or medical examiner with all records pertaining to the
8 eligible adult;

9 (8.5) A coroner or medical examiner having proper
10 jurisdiction, pursuant to a written agreement between a
11 provider agency and the coroner or medical examiner, under
12 which the provider agency may furnish to the office of the
13 coroner or medical examiner a list of all eligible adults
14 who may be at imminent risk of death as a result of abuse,
15 neglect, financial exploitation, or self-neglect;

16 (9) Department of Financial and Professional
17 Regulation staff and members of the Illinois Medical
18 Disciplinary Board or the Social Work Examining and
19 Disciplinary Board in the course of investigating alleged
20 violations of the Clinical Social Work and Social Work
21 Practice Act by provider agency staff or other licensing
22 bodies at the discretion of the Director of the Department
23 on Aging;

24 (9-a) Department of Healthcare and Family Services
25 staff when that Department is funding services to the
26 eligible adult, including access to the identity of the

1 eligible adult;

2 (9-b) Department of Human Services staff when that
3 Department is funding services to the eligible adult or is
4 providing reimbursement for services provided by the
5 abuser or alleged abuser, including access to the identity
6 of the eligible adult;

7 (10) Hearing officers in the course of conducting an
8 administrative hearing under this Act; parties to such
9 hearing shall be entitled to discovery as established by
10 rule; to determine whether a verified and substantiated
11 finding of significant abuse, neglect, or financial
12 exploitation of an eligible adult by a caregiver warrants
13 reporting to the Health Care Worker Registry; and

14 (11) A caregiver who challenges placement on the
15 Registry shall be given the statement of allegations in the
16 abuse report and the substantiation decision in the final
17 investigative report; and

18 (12) ~~(11)~~ The Illinois Guardianship and Advocacy
19 Commission and the agency designated by the Governor under
20 Section 1 of the Protection and Advocacy for
21 Developmentally Disabled Persons Act shall have access,
22 through the Department, to records, including the
23 findings, pertaining to a completed or closed
24 investigation of a report of suspected abuse, neglect,
25 financial exploitation, or self-neglect of an eligible
26 adult.

1 (Source: P.A. 97-864, eff. 1-1-13; 98-49, eff. 7-1-13.)

2 (320 ILCS 20/9) (from Ch. 23, par. 6609)

3 Sec. 9. Authority to consent to services.

4 (a) If an eligible adult consents to an assessment of a
5 reported incident of suspected abuse, neglect, financial
6 exploitation, or self-neglect and, following the assessment of
7 such report, consents to services being provided according to
8 the case plan, such services shall be arranged to meet the
9 adult's needs, based upon the availability of resources to
10 provide such services. If an adult withdraws his or her consent
11 for an assessment of the reported incident or withdraws his or
12 her consent for services and refuses to accept such services,
13 the services shall not be provided.

14 (b) If it reasonably appears to the Department or other
15 agency designated under this Act that a person is an eligible
16 adult and lacks the capacity to consent to an assessment of a
17 reported incident of suspected abuse, neglect, financial
18 exploitation, or self-neglect or to necessary services, the
19 Department or other agency shall take appropriate action
20 necessary to ameliorate risk to the eligible adult if there is
21 a threat of ongoing harm or another emergency exists. The
22 Department or other agency shall be authorized to seek the
23 ~~notify the Illinois Guardianship and Advocacy Commission, the~~
24 ~~Office of State Guardian, or any other appropriate agency, of~~
25 ~~the potential need for~~ appointment of a temporary guardian as

1 provided in Article XIa of the Probate Act of 1975 for the
2 purpose of consenting to an assessment of the reported incident
3 and such services, together with an order for an evaluation of
4 the eligible adult's physical, psychological, and medical
5 condition and decisional capacity.

6 (c) A guardian of the person of an eligible adult may
7 consent to an assessment of the reported incident and to
8 services being provided according to the case plan. If an
9 eligible adult lacks capacity to consent, an agent having
10 authority under a power of attorney may consent to an
11 assessment of the reported incident and to services. If the
12 guardian or agent is the suspected abuser and he or she
13 withdraws consent for the assessment of the reported incident,
14 or refuses to allow services to be provided to the eligible
15 adult, the Department, an agency designated under this Act, or
16 the office of the Attorney General may request a court order
17 seeking appropriate remedies, and may in addition request
18 removal of the guardian and appointment of a successor guardian
19 or request removal of the agent and appointment of a guardian.

20 (d) If an emergency exists and the Department or other
21 agency designated under this Act reasonably believes that a
22 person is an eligible adult and lacks the capacity to consent
23 to necessary services, the Department or other agency may
24 request an ex parte order from the circuit court of the county
25 in which the petitioner or respondent resides or in which the
26 alleged abuse, neglect, financial exploitation, or

1 self-neglect occurred, authorizing an assessment of a report of
2 alleged or suspected abuse, neglect, financial exploitation,
3 or self-neglect or the provision of necessary services, or
4 both, including relief available under the Illinois Domestic
5 Violence Act of 1986 in accord with established law and
6 Department protocols, procedures, and policies. Petitions
7 filed under this subsection shall be treated as expedited
8 proceedings. When an eligible adult is at risk of serious
9 injury or death and it reasonably appears that the eligible
10 adult lacks capacity to consent to necessary services, the
11 Department or other agency designated under this Act may take
12 action necessary to ameliorate the risk in accordance with
13 administrative rules promulgated by the Department.

14 (d-5) For purposes of this Section, an eligible adult
15 "lacks the capacity to consent" if qualified staff of an agency
16 designated under this Act reasonably determine, in accordance
17 with administrative rules promulgated by the Department, that
18 he or she appears either (i) unable to receive and evaluate
19 information related to the assessment or services or (ii)
20 unable to communicate in any manner decisions related to the
21 assessment of the reported incident or services.

22 (e) Within 15 days after the entry of the ex parte
23 emergency order, the order shall expire, or, if the need for
24 assessment of the reported incident or services continues, the
25 provider agency shall petition for the appointment of a
26 guardian as provided in Article XIa of the Probate Act of 1975

1 for the purpose of consenting to such assessment or services or
2 to protect the eligible adult from further harm.

3 (f) If the court enters an ex parte order under subsection
4 (d) for an assessment of a reported incident of alleged or
5 suspected abuse, neglect, financial exploitation, or
6 self-neglect, or for the provision of necessary services in
7 connection with alleged or suspected self-neglect, or for both,
8 the court, as soon as is practicable thereafter, shall appoint
9 a guardian ad litem for the eligible adult who is the subject
10 of the order, for the purpose of reviewing the reasonableness
11 of the order. The guardian ad litem shall review the order and,
12 if the guardian ad litem reasonably believes that the order is
13 unreasonable, the guardian ad litem shall file a petition with
14 the court stating the guardian ad litem's belief and requesting
15 that the order be vacated.

16 (g) In all cases in which there is a substantiated finding
17 of abuse, neglect, or financial exploitation by a guardian, the
18 Department shall, within 30 days after the finding, notify the
19 Probate Court with jurisdiction over the guardianship.

20 (Source: P.A. 98-49, eff. 7-1-13.)

21 (320 ILCS 20/13)

22 Sec. 13. Access.

23 (a) In accord with established law and Department
24 protocols, procedures, and policies, the designated provider
25 agencies shall have access to eligible adults who have been

1 reported or found to be victims of abuse, neglect, financial
2 exploitation, or self-neglect in order to assess the validity
3 of the report, assess other needs of the eligible adult, and
4 provide services in accordance with this Act.

5 (a-5) A representative of the Department or a designated
6 provider agency that is actively involved in an abuse, neglect,
7 financial exploitation, or self-neglect investigation under
8 this Act shall be allowed access to the financial records,
9 mental and physical health records, and other relevant
10 evaluative records of the eligible adult which are in the
11 possession of any individual, financial institution, health
12 care provider, mental health provider, educational facility,
13 or other facility if necessary to complete the investigation
14 mandated by this Act. The provider or facility shall provide
15 such records to the representative upon receipt of a written
16 request and certification from the Department or designated
17 provider agency that an investigation is being conducted under
18 this Act and the records are pertinent to the investigation.

19 Any records received by such representative, the
20 confidentiality of which is protected by another law or rule,
21 shall be maintained as confidential, except for such use as may
22 be necessary for any administrative or other legal proceeding.

23 (b) Where access to an eligible adult is denied, including
24 the refusal to provide requested records, the Office of the
25 Attorney General, the Department, or the provider agency may
26 petition the court for an order to require appropriate access

1 where:

2 (1) a caregiver or third party has interfered with the
3 assessment or service plan, or

4 (2) the agency has reason to believe that the eligible
5 adult is denying access because of coercion, extortion, or
6 justifiable fear of future abuse, neglect, or financial
7 exploitation.

8 (c) The petition for an order requiring appropriate access
9 shall be afforded an expedited hearing in the circuit court.

10 (d) If the provider agency has substantiated financial
11 exploitation against an eligible adult, and has documented a
12 reasonable belief that the eligible adult will be irreparably
13 harmed as a result of the financial exploitation, the Office of
14 the Attorney General, the Department, or the provider agency
15 may petition for an order freezing the assets of the eligible
16 adult. The petition shall be filed in the county or counties in
17 which the assets are located. The court's order shall prohibit
18 the sale, gifting, transfer, or wasting of the assets of the
19 eligible adult, both real and personal, owned by, or vested in,
20 the eligible adult, without the express permission of the
21 court. The petition to freeze the assets of the eligible adult
22 shall be afforded an expedited hearing in the circuit court.

23 (Source: P.A. 96-526, eff. 1-1-10.)

24 (320 ILCS 20/15)

25 Sec. 15. ~~Abuse~~ Fatality Review Teams.

1 (a) State policy.

2 (1) Both the State and the community maintain a
3 commitment to preventing the abuse, neglect, and financial
4 exploitation of at-risk adults. This includes a charge to
5 bring perpetrators of crimes against at-risk adults to
6 justice and prevent untimely deaths in the community.

7 (2) When an at-risk adult dies, the response to the
8 death by the community, law enforcement, and the State must
9 include an accurate and complete determination of the cause
10 of death, and the development and implementation of
11 measures to prevent future deaths from similar causes.

12 (3) Multidisciplinary and multi-agency reviews of
13 deaths can assist the State and counties in developing a
14 greater understanding of the incidence and causes of
15 premature deaths and the methods for preventing those
16 deaths, improving methods for investigating deaths, and
17 identifying gaps in services to at-risk adults.

18 (4) Access to information regarding the deceased
19 person and his or her family by multidisciplinary and
20 multi-agency ~~at-risk-adult~~ fatality review teams is
21 necessary in order to fulfill their purposes and duties.

22 (a-5) Definitions. As used in this Section:

23 "Advisory Council" means the Illinois ~~At-Risk-Adult~~
24 Fatality Review Team Advisory Council.

25 "Review Team" means a regional interagency ~~at-risk~~
26 ~~adult~~ fatality review team.

1 (b) The Director, in consultation with the Advisory
2 Council, law enforcement, and other professionals who work in
3 the fields of investigating, treating, or preventing abuse or
4 neglect of at-risk adults, shall appoint members to a minimum
5 of one review team in each of the Department's planning and
6 service areas. Each member of a review team shall be appointed
7 for a 2-year term and shall be eligible for reappointment upon
8 the expiration of the term. A review team's purpose in
9 conducting review of at-risk adult deaths is: (i) to assist
10 local agencies in identifying and reviewing suspicious deaths
11 of adult victims of alleged, suspected, or substantiated abuse
12 or neglect in domestic living situations; (ii) to facilitate
13 communications between officials responsible for autopsies and
14 inquests and persons involved in reporting or investigating
15 alleged or suspected cases of abuse, neglect, or financial
16 exploitation of at-risk adults and persons involved in
17 providing services to at-risk adults; (iii) to evaluate means
18 by which the death might have been prevented; and (iv) to
19 report its findings to the appropriate agencies and the
20 Advisory Council and make recommendations that may help to
21 reduce the number of at-risk adult deaths caused by abuse and
22 neglect and that may help to improve the investigations of
23 deaths of at-risk adults and increase prosecutions, if
24 appropriate.

25 (b-5) Each such team shall be composed of representatives
26 of entities and individuals including, but not limited to:

- 1 (1) the Department on Aging;
- 2 (2) coroners or medical examiners (or both);
- 3 (3) State's Attorneys;
- 4 (4) local police departments;
- 5 (5) forensic units;
- 6 (6) local health departments;
- 7 (7) a social service or health care agency that
- 8 provides services to persons with mental illness, in a
- 9 program whose accreditation to provide such services is
- 10 recognized by the Division of Mental Health within the
- 11 Department of Human Services;
- 12 (8) a social service or health care agency that
- 13 provides services to persons with developmental
- 14 disabilities, in a program whose accreditation to provide
- 15 such services is recognized by the Division of
- 16 Developmental Disabilities within the Department of Human
- 17 Services;
- 18 (9) a local hospital, trauma center, or provider of
- 19 emergency medicine;
- 20 (10) providers of services for eligible adults in
- 21 domestic living situations; and
- 22 (11) a physician, psychiatrist, or other health care
- 23 provider knowledgeable about abuse and neglect of at-risk
- 24 adults.
- 25 (c) A review team shall review cases of deaths of at-risk
- 26 adults occurring in its planning and service area (i) involving

1 blunt force trauma or an undetermined manner or suspicious
2 cause of death, (ii) if requested by the deceased's attending
3 physician or an emergency room physician, (iii) upon referral
4 by a health care provider, (iv) upon referral by a coroner or
5 medical examiner, (v) constituting an open or closed case from
6 an adult protective services agency, law enforcement agency,
7 State's Attorney's office, or the Department of Human Services'
8 Office of the Inspector General that involves alleged or
9 suspected abuse, neglect, or financial exploitation; or (vi)
10 upon referral by a law enforcement agency or State's Attorney's
11 office. If such a death occurs in a planning and service area
12 where a review team has not yet been established, the Director
13 shall request that the Advisory Council or another review team
14 review that death. A team may also review deaths of at-risk
15 adults if the alleged abuse or neglect occurred while the
16 person was residing in a domestic living situation.

17 A review team shall meet not less than 6 times a year to
18 discuss cases for its possible review. Each review team, with
19 the advice and consent of the Department, shall establish
20 criteria to be used in discussing cases of alleged, suspected,
21 or substantiated abuse or neglect for review and shall conduct
22 its activities in accordance with any applicable policies and
23 procedures established by the Department.

24 (c-5) The Illinois ~~At-Risk Adult~~ Fatality Review Team ~~Teams~~
25 Advisory Council, consisting of one member from each review
26 team in Illinois, shall be the coordinating and oversight body

1 for review teams and activities in Illinois. The Director may
2 appoint to the Advisory Council any ex-officio members deemed
3 necessary. Persons with expertise needed by the Advisory
4 Council may be invited to meetings. The Advisory Council must
5 select from its members a chairperson and a vice-chairperson,
6 each to serve a 2-year term. The chairperson or
7 vice-chairperson may be selected to serve additional,
8 subsequent terms. The Advisory Council must meet at least 4
9 times during each calendar year.

10 The Department may provide or arrange for the staff support
11 necessary for the Advisory Council to carry out its duties. The
12 Director, in cooperation and consultation with the Advisory
13 Council, shall appoint, reappoint, and remove review team
14 members.

15 The Advisory Council has, but is not limited to, the
16 following duties:

17 (1) To serve as the voice of review teams in Illinois.

18 (2) To oversee the review teams in order to ensure that
19 the review teams' work is coordinated and in compliance
20 with State statutes and the operating protocol.

21 (3) To ensure that the data, results, findings, and
22 recommendations of the review teams are adequately used in
23 a timely manner to make any necessary changes to the
24 policies, procedures, and State statutes in order to
25 protect at-risk adults.

26 (4) To collaborate with the Department in order to

1 develop any legislation needed to prevent unnecessary
2 deaths of at-risk adults.

3 (5) To ensure that the review teams' review processes
4 are standardized in order to convey data, findings, and
5 recommendations in a usable format.

6 (6) To serve as a link with review teams throughout the
7 country and to participate in national review team
8 activities.

9 (7) To provide the review teams with the most current
10 information and practices concerning at-risk adult death
11 review and related topics.

12 (8) To perform any other functions necessary to enhance
13 the capability of the review teams to reduce and prevent
14 at-risk adult fatalities.

15 The Advisory Council may prepare an annual report, in
16 consultation with the Department, using aggregate data
17 gathered by review teams and using the review teams'
18 recommendations to develop education, prevention, prosecution,
19 or other strategies designed to improve the coordination of
20 services for at-risk adults and their families.

21 In any instance where a review team does not operate in
22 accordance with established protocol, the Director, in
23 consultation and cooperation with the Advisory Council, must
24 take any necessary actions to bring the review team into
25 compliance with the protocol.

26 (d) Any document or oral or written communication shared

1 within or produced by the review team relating to a case
2 discussed or reviewed by the review team is confidential and is
3 not admissible as evidence in any civil or criminal proceeding,
4 except for use by a State's Attorney's office in prosecuting a
5 criminal case against a caregiver. Those records and
6 information are, however, subject to discovery or subpoena, and
7 are admissible as evidence, to the extent they are otherwise
8 available to the public.

9 Any document or oral or written communication provided to a
10 review team by an individual or entity, and created by that
11 individual or entity solely for the use of the review team, is
12 confidential, is not subject to disclosure to or discoverable
13 by another party, and is not admissible as evidence in any
14 civil or criminal proceeding, except for use by a State's
15 Attorney's office in prosecuting a criminal case against a
16 caregiver. Those records and information are, however, subject
17 to discovery or subpoena, and are admissible as evidence, to
18 the extent they are otherwise available to the public.

19 Each entity or individual represented on the ~~abuse~~ fatality
20 review team may share with other members of the team
21 information in the entity's or individual's possession
22 concerning the decedent who is the subject of the review or
23 concerning any person who was in contact with the decedent, as
24 well as any other information deemed by the entity or
25 individual to be pertinent to the review. Any such information
26 shared by an entity or individual with other members of the

1 review team is confidential. The intent of this paragraph is to
2 permit the disclosure to members of the review team of any
3 information deemed confidential or privileged or prohibited
4 from disclosure by any other provision of law. Release of
5 confidential communication between domestic violence advocates
6 and a domestic violence victim shall follow subsection (d) of
7 Section 227 of the Illinois Domestic Violence Act of 1986 which
8 allows for the waiver of privilege afforded to guardians,
9 executors, or administrators of the estate of the domestic
10 violence victim. This provision relating to the release of
11 confidential communication between domestic violence advocates
12 and a domestic violence victim shall exclude adult protective
13 service providers.

14 A coroner's or medical examiner's office may share with the
15 review team medical records that have been made available to
16 the coroner's or medical examiner's office in connection with
17 that office's investigation of a death.

18 Members of a review team and the Advisory Council are not
19 subject to examination, in any civil or criminal proceeding,
20 concerning information presented to members of the review team
21 or the Advisory Council or opinions formed by members of the
22 review team or the Advisory Council based on that information.
23 A person may, however, be examined concerning information
24 provided to a review team or the Advisory Council.

25 (d-5) Meetings of the review teams and the Advisory Council
26 may be closed to the public under the Open Meetings Act.

1 Records and information provided to a review team and the
2 Advisory Council, and records maintained by a team or the
3 Advisory Council, are exempt from release under the Freedom of
4 Information Act.

5 (e) A review team's recommendation in relation to a case
6 discussed or reviewed by the review team, including, but not
7 limited to, a recommendation concerning an investigation or
8 prosecution, may be disclosed by the review team upon the
9 completion of its review and at the discretion of a majority of
10 its members who reviewed the case.

11 (e-5) The State shall indemnify and hold harmless members
12 of a review team and the Advisory Council for all their acts,
13 omissions, decisions, or other conduct arising out of the scope
14 of their service on the review team or Advisory Council, except
15 those involving willful or wanton misconduct. The method of
16 providing indemnification shall be as provided in the State
17 Employee Indemnification Act.

18 (f) The Department, in consultation with coroners, medical
19 examiners, and law enforcement agencies, shall use aggregate
20 data gathered by and recommendations from the Advisory Council
21 and the review teams to create an annual report and may use
22 those data and recommendations to develop education,
23 prevention, prosecution, or other strategies designed to
24 improve the coordination of services for at-risk adults and
25 their families. The Department or other State or county agency,
26 in consultation with coroners, medical examiners, and law

1 enforcement agencies, also may use aggregate data gathered by
2 the review teams to create a database of at-risk individuals.

3 (g) The Department shall adopt such rules and regulations
4 as it deems necessary to implement this Section.

5 (Source: P.A. 98-49, eff. 7-1-13.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.